

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 SSO-00 NSCE-00 INRE-00

SS-15 PM-04 L-03 SP-02 /053 W  
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O P 301733Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 5375

INFO USMISSION USBERLIN PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY PARIS

C O N F I D E N T I A L BONN 20861

E.O. 11652: GDS

TAGS: EAIR, WB, UK, FR, US

SUBJECT: CIVAIR: BERLIN - LONDON CHARTERS

REF: A. STATE 304117 B. STATE 303057 C. BONN 20745

D. BONN 20636

1. AS POINTED OUT IN REFS C AND D, WE HAVE BEEN AWARE FOR AT LEAST A WEEK THAT "STRANDING" OF BERLINERS IN UK TO SOME EXTENT RESULTED FROM PASSENGERS STAYING LONGER THAN HAD ORIGINALLY BEEN INTENDED IN THE APPLICATIONS MADE TO THE CAA'S. WE HAVE EVERY REASON TO BELIEVE LAKER AS WELL AS PAA PASSENGERS OVERSTAYED. WE LIKEWISE ARE INCLINED TO BELIEVE THAT PAA DID IN FACT FLY FULL LOADS OVER ON DECEMBER 18, 21 AND 22 WITHOUT ANY ASSURANCES THAT IT WOULD BE ABLE TO RETURN THESE PASSENGERS. WE THINK THE BASIS FOR THIS ACTION WAS A COMBINATION OF PAA'S HOPE THAT IT WOULD RECEIVE ADDITIONAL LAST-MINUTE CLEARANCES FROM THE UK AND PRESSURE FROM UNGER, THE TRAVEL ORGANIZER. PAA OFFICIALS RUNNETTE AND GALLAGHER ARE BOTH OUT OF THE COUNTRY AND NOT SCHEDULED TO RETURN UNTIL FRIDAY, JAN. 2, AT WHICH TIME WE WILL SEEK FULL DETAILS AS TO THE CARRIER'S ACTIONS.

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2. IN THE MEANTIME WE WOULD OBSERVE THAT "BAD FAITH" CHARGES BY UK DOT ARE INCIDENTAL TO THE MAJOR PROBLEM, SINCE BRITISH DECISION TO DENY PAA ACCESS TO THE BERLIN-LONDON CHARTER MARKET WAS MADE WELL BEFORE EITHER THE BRITISH OR OURSELVES BECAME AWARE THAT THE PROVISIONS OF THE IT ARRANGEMENTS WERE BEING VIOLATED BY THE CONTRACTOR. WE THINK THE POINT MADE IN PARA 2 OF REFTEL C REGARDING CAUSES OF BERLINERS OVERSTAYING THEIR IT'S IN GREAT BRITAIN REMAINS VALID. WE WOULD, HOWEVER, SYMPATHIZE WITH ANY BRITISH DESIRE TO CLEAR UP THE MARKET AND WOULD LOOK FORWARD TO DEVELOPING PROCEDURES TO DO SO IN THE CAA FORUM AS LONG AS THESE RULES WERE NON-DISCRIMINATORY, APPLYING TO BRITISH AS WELL AS U.S. CARRIERS AND IMPLIED PARTICIPATION OF THE LATTER IN THE BERLIN/LONDON MARKET.

3. WE HAVE THE IMPRESSION THAT UK DOT HAS SEIZED ON THE QUESTION OF PASSENGERS OVERSTAYING THEIR IT PERIODS AS A DEVICE TO SUPPORT THEIR EARLIER DECISION, ELIMINATING PAA FROM THE MARKET.

4. AFTER ABOVE DRAFTED, PAA STAFF LEVEL PERSONNEL BERLIN CONFIRMED THAT PAA DID CARRY PASSENGERS OUT-BOUND ON THE LAST FIVE AUTHORIZED FLIGHTS AT THE INSISTANCE OF THE CONTRACTOR, WHO WAS HOPING AGAINST FACTS AS KNOWN AT THE TIME THAT UK DOT WOULD GRANT CLEARANCES FOR ADDITIONAL FLIGHTS. REGARDING CHARGES FOR EXTENDED STAY BY A NUMBER OF IT PASSENGERS IN THE UK (TRAVEL TO SCOTLAND AND HEBRIDES) PAA MARKETING PERSONNEL BERLIN INFORMED US THAT WHILE THE BASIC RATE FOR A THREE TO FOUR DAY IT PACKAGE WAS DM 199, ANY STAY LONGER THAN SEVEN DAYS WAS COVERED BY A TOTAL CHARGE OF DM 246 AND NOT AS IS CUSTOMARILY THE CASE, AN ADDITIONAL CHARGE PER NIGHT. WE WILL REPORT FURTHER AFTER WE HAVE HAD AN OPPORTUNITY TO TALK TO RUNNETTE AND GALLAGHER. HILLENBRAND

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